

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

1 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

Joao Gomes  
Dilma Gomes

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Debtor(s)

**Chapter 13 Plan and Motions**

☒ Original

☐ Modified/Notice Required

Date: 11/15/2019

☒ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JJC

Initial Debtor: JG

Initial Co-Debtor: DG

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 2377 per \_\_\_\_\_ to the Chapter 13 Trustee, starting on \_\_\_\_\_ for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection ☒ NONE**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 3610
DOMESTIC SUPPORT OBLIGATION		
Old Bridge	Water/Sewer	\$6405

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence:** ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Ditech	40 Nathan Drive Old Bridge, NJ	\$119,598.23		\$119,598.23	\$3166.39

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:** ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**c. Secured claims excluded from 11 U.S.C. 506:** ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☐ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
United Teletech Financial	40 Nathan Drive Old Bridge NJ	\$42800	\$439164	\$526457			0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender** ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan** ☒ **NONE**

The following secured claims are unaffected by the Plan:

**g. Secured Claims to be Paid in Full Through the Plan:** ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims** ☒ **NONE**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☒ Not less than \$ 0 to be distributed *pro rata*

☐ Not less than \_\_\_\_\_ percent

☐ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions ☐ NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
United Teletech	40 Nathan Drive Old Bridge, NJ	\$42800	\$439164	\$526257		\$42800

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

☒ Upon confirmation

☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.



**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administrative Expenses
- 3) Secured Claims
- 4) Priority Claims & 5) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☒ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

## Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 11/15/2019

/s/Joao Gomes  
Debtor

Date: 11/15/2019

/s/Dilma Gomes  
Joint Debtor

Date: 11/15/2019

/s/James J Cerbone  
Attorney for Debtor(s)

**Certificate of Notice Page 11 of 12**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Joao Gomes  
 Dilma Gomes  
 Debtors

Case No. 19-31640-MBK  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 42

Date Rcvd: Nov 18, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 20, 2019.

db/jdb  
 518572608 +Joao Gomes, Dilma Gomes, 40 Nathan Drive, Old Bridge, NJ 08857-2790  
 518572612 Barclay Card, PO Box 13337, Philadelphia, PA 19101-3337  
 518572613 Cavalry SPV I. LLC, Attn: Apothaker Scian PC, PO Box 5496, Mount Laurel, NJ 08054-5496  
 518572617 +Citibank, PO Box 6241, Sioux Falls, SD 57117-6241  
 518572618 +Diversified Adjustment Service, Inc, 600 Coon Rapids Blvd, Minneapolis, MN 55433-5549  
 518572619 +Edward J McKenna, McKenna DuPont Higgins & Stone, PO Box 610, Red Bank, NJ 07701-0610  
 518572620 Express Scripts, Attn: Cash Office, PO Box 747000, Cincinnati, OH 45274-7000  
 518572620 +Ford Credit, PO Box 542000, Omaha, NE 68154-8000  
 518572621 GM Financial Leasing, PO Box 182963, Arlington, TX 76096-2963  
 518572622 JFK Medical Associates, PO Box 11912, Newark, NJ 07101-4912  
 518572623 JFK Outreach Labs, 80 James St, 4th Floor, Edison, NJ 08820-3938  
 518572625 +KML Law Group, 216 Haddon Avenue Ste 406, Collingswood, NJ 08108-2812  
 518572634 +++MIDLAND FUNDING, ATTN: MIA KIRISIS, ESQ, 1 RIVERFRONT PLZ STE 710, NEWARK NJ 07102-5415  
 (address filed with court: Midland Funding, Attn: Mia Kirisis, Esq,  
 1037 Raymond Blvd Ste 710, Newark, NJ 07102)  
 518572632 Midland Funding, Attn: Pressler & Pressler, 7 Entin Road, Parsippany, NJ 07054-5020  
 518572635 +Northland Group, PO Box 390846, Minneapolis, MN 55439-0846  
 518572637 Oakwoods Inc, PO Box 64148, Phoenix, AZ 85082-4148  
 518572638 +Old Bridge Municipal Utilities Authority, 71 Boulevard West, Keyport, NJ 07735-6105  
 518572645 ++PROFESSIONAL RECOVERY CONSULTANTS INC, 2700 MERIDIAN PARKWAY, SUITE 200,  
 DURHAM NC 27713-2450  
 (address filed with court: Professional Recovery Consultants,  
 2700 Meridian Parkway, Suite 200, Durham, NC 27713-2204)  
 518572646 Raritan Bay Medical Center, PO Box 650292, Dallas, TX 75265-0292  
 518572654 +++USAA SAVINGS BANK, ATTN: AMERICAN CORADIUS INTERNATIONAL, 37 RUST LN,  
 BOERNE TX 78006-8288  
 (address filed with court: USAA Savings Bank, Attn: American Coradius International,  
 35A Rust Lane, Boerne, TX 78006-8202)  
 518572653 +United Teletch Financial FC, 205 Hance Avenue, Eatontown, NJ 07724-2764  
 518572656 Vital Recovery Services, PO Box 923748, Norcross, GA 30010-3748

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 19 2019 02:10:40 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Nov 19 2019 02:10:36 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 518572609 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 19 2019 02:05:03 Capital One Bank,  
 PO Box 71083, Charlotte, NC 28272-1083  
 518572610 +E-mail/Text: bankruptcy@cavps.com Nov 19 2019 02:10:54 Cavalry Portfolio Servicing,  
 PO Box 27288, Tempe, AZ 85285-7288  
 518572611 +E-mail/Text: bankruptcy@cavps.com Nov 19 2019 02:10:54 Cavalry SPV I, LLC,  
 500 Summit Lake Drive Suite 400, Valhalla, NY 10595-2321  
 518572614 +E-mail/PDF: creditonebknofications@resurgent.com Nov 19 2019 02:05:17 Credit One Bank,  
 PO Box 98875, Las Vegas, NV 89193-8875  
 518572616 E-mail/Text: bankruptcy.bnc@ditech.com Nov 19 2019 02:10:01 Ditech Financial LLC,  
 PO Box 6154, Rapid City, SD 57709-6154  
 518572624 +E-mail/Text: bankruptcy@sccompanies.com Nov 19 2019 02:09:09 K. Jordan, 913 1st Avenue,  
 Chippewa Falls, WI 54729-1402  
 518572626 E-mail/Text: bncnotices@becket-lee.com Nov 19 2019 02:09:31 Kohls, PO Box 2893,  
 Milwaukee, WI 53201-2983  
 518572628 +E-mail/PDF: resurgentbknofications@resurgent.com Nov 19 2019 02:03:56 LVNV Funding LLC,  
 PO Box 10497, Greenville, SC 29603-0497  
 518572629 E-mail/PDF: MerrickBKNotifications@Resurgent.com Nov 19 2019 02:06:16 Merrick,  
 PO Box 660702, Dallas, TX 75266-0702  
 518572630 +E-mail/PDF: MerrickBKNotifications@Resurgent.com Nov 19 2019 02:04:54 Merrick Bank,  
 PO Box 9201, Old Bethpage, NY 11804-9001  
 518572631 +E-mail/Text: bankruptcydpt@mcmcg.com Nov 19 2019 02:10:36 Midland Funding,  
 8875 Aero Drive Ste 200, San Diego, CA 92123-2255  
 518572636 +E-mail/Text: Bankruptcies@nragroup.com Nov 19 2019 02:11:26 NRA Group LLC,  
 2491 Paxton Street, Harrisburg, PA 17111-1036  
 518572639 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 19 2019 02:05:11  
 Portfolio Recovery Associates, PO Box 12914, Norfolk, VA 23541-1223  
 518572652 E-mail/PDF: gecsedirecoverycorp.com Nov 19 2019 02:03:26 SYNCB, Attn: Bankruptcy Dept,  
 PO Box 965064, Orlando, FL 32896-5064  
 518572647 E-mail/PDF: gecsedirecoverycorp.com Nov 19 2019 02:04:43 SYNCB, PO Box 965060,  
 Orlando, FL 32896-5060  
 518573133 +E-mail/PDF: gecsedirecoverycorp.com Nov 19 2019 02:04:45 Synchrony Bank,  
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 518572657 +E-mail/Text: vci.bkcy@vwcredit.com Nov 19 2019 02:10:47 VW Credit Inc, 1401 Franklin Blvd,  
 Libertyville, IL 60048-4460  
 518572655 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Nov 19 2019 02:09:11  
 Verizon Wireless, PO Box 26055, Minneapolis, MN 55426-0055

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 42

Date Rcvd: Nov 18, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center  
(continued)

TOTAL: 20

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*  
518572615\* +Credit One Bank, PO Box 98875, Las Vegas, NV 89193-8875  
518572627\* Kohls, PO Box 2893, Milwaukee, WI 53201-2983  
518572633\* +Midland Funding, 8875 Aero Drive Ste 200, San Diego, CA 92123-2255  
518572640\* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067  
(address filed with court: Portfolio Recovery Associates, PO Box 12914,  
Norfolk, VA 23541-1223)  
518572641\* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067  
(address filed with court: Portfolio Recovery Associates, PO Box 12914,  
Norfolk, VA 23541-1223)  
518572642\* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067  
(address filed with court: Portfolio Recovery Associates, PO Box 12914,  
Norfolk, VA 23541-1223)  
518572643\* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067  
(address filed with court: Portfolio Recovery Associates LLC, PO Box 12903,  
Norfolk, VA 23541)  
518572644\* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067  
(address filed with court: Portfolio Recovery Associates LLC, PO Box 12903,  
Norfolk, VA 23541)  
518572648\* SYNCB, PO Box 965060, Orlando, FL 32896-5060  
518572649\* SYNCB, PO Box 965060, Orlando, FL 32896-5060  
518572650\* SYNCB, PO Box 965060, Orlando, FL 32896-5060  
518572651\* SYNCB, PO Box 965060, Orlando, FL 32896-5060

TOTALS: 0, \* 12, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 20, 2019

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 15, 2019 at the address(es) listed below:

James J. Cerbone on behalf of Joint Debtor Dilma Gomes cerbonelawfirm@aol.com,  
cerbonejr83307@notify.bestcase.com  
James J. Cerbone on behalf of Debtor Joao Gomes cerbonelawfirm@aol.com,  
cerbonejr83307@notify.bestcase.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 3